

JURISDICTION OF DISTRICT COURTS IN IOWA, &c., UNDER
BANKRUPT ACT.

JULY 21, 1842.

Laid on the table.

Mr. BARNARD, from the Committee on the Judiciary, made the following

REPORT :

The Committee on the Judiciary, who were instructed, by the resolution of the House, of the 23d of June, 1842, to inquire "whether the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved August 18, 1841, confers, upon the district courts of the Territories of Iowa and Wiskonsan, jurisdiction in cases of bankruptcy arising under its provisions, &c." report :

That, by the 16th section of the bankrupt act, "all jurisdiction, power, and authority, conferred upon and vested in the district courts of the United States, in cases in bankruptcy, are conferred upon and vested in the supreme or superior courts of any of the Territories of the United States, in cases in bankruptcy, where the bankrupt resides in either of the said Territories."

The difficulty which is supposed to exist in regard to jurisdiction in cases of bankruptcy in the Territories of Wiskonsan and Iowa arises out of the terms employed to designate the courts in which such jurisdiction is conferred. It is declared that "*the supreme or superior courts*" of the Territories shall have jurisdiction. But it so happens that, in the acts respectively establishing the Territorial Governments of Wiskonsan and of Iowa, the higher courts for these Territories are designated as a "supreme court" and "district courts." The "supreme court" is an appellate court only, composed of the judges—three in number—of the district courts, holding an *annual* term at the seat of Government. Such a court, it is evident, cannot well exercise original jurisdiction in cases in bankruptcy, which require that the courts taking jurisdiction should be always open. It is equally evident that the "district courts," each having a single judge, with a designated territorial jurisdiction, are the true courts to take jurisdiction in cases in bankruptcy, were it not for the doubt which has arisen whether they are sufficiently designated by the term "superior courts" in the bankrupt act.

The Committee on the Judiciary entertain no doubt whatever that jurisdiction was intended to be conferred, and is plainly conferred, by the bankrupt act, on the district courts of the Territories of Wiskonsan and Iowa; and this is the *unanimous opinion* of the committee.

The term "*superior*," applied to courts in the act in question, was not intended as a designation of particular courts, by the particular title or

style by which such courts might be distinguished in any act or law creating them, but was intended to designate, by a generic word, well understood in legal parlance, the higher courts of the Territories having general original jurisdiction, by whatever particular name they might be called. The committee do not deem it necessary to enter into any argument on the subject; but content themselves with the expression of a very decided and unanimous opinion to the effect just stated. They will only add that, to give any other construction to the language used in the 16th section of the bankrupt act, would be to render the whole provision, so far as these Territories are concerned, entirely nugatory. This would be to violate one of the very first canons of interpretation, which requires us to give some effect to a statute, when we can without doing manifest violence to the language. In this case the language has a natural and easy meaning, which gives effect to the statute, and we have no doubt it is the very meaning it was intended to have. The committee think that no further legislation is necessary or expedient in the case.

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